

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DAVID LIVINGSTON :
Plaintiff : CASE NO. 1:09-CV-384
vs. :
CAVALRY PORTFOLIO SERVICES, LLC :
Defendant. :
:

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff David Livingston has filed a motion for attorney's fees following the Court's entry of judgment in this case on June 1, 2009.^{1/} [Doc. [9](#).] Defendant Cavalry Portfolio Services, LLC ("Cavalry") has filed a motion to strike Plaintiff Livingston's motion for attorney's fees, arguing that this motion is untimely. [Doc. [10](#).] For the reasons noted below, the Court agrees with the Defendant and it therefore **DENIES** Plaintiff Livingston's motion for attorney's fees and **GRANTS** Defendant Cavalry's motion to strike.

Federal Rule of Civil Procedure 54(d)(2)(B) states that "[u]nless a statute or court order provides otherwise," a motion for attorney's fees must "be filed no later than 14 days after the entry of judgment." In this case, Plaintiff Livingston filed his motion for attorney's fees on June 25, 2009, or 24 days after the entry of judgment. The statute pursuant to which Plaintiff Livingston seeks attorney's fees – 15 U.S.C. 1692k – does not provide for a different time limit on motions for

^{1/}With the entry of judgment, the Court acknowledged the Plaintiff's acceptance of Defendant Cavalry Portfolio Services, LLC's Federal Rule of Civil Procedure 68 offer of judgment.

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attorney's fees. Moreover, Plaintiff Livingston has made no motion for the enlargement of time under Federal Rule of Civil Procedure 6(b) and the Court has not issued an order granting Plaintiff Livingston additional time to file his motion for attorney's fees. As a result, Plaintiff Livingston's motion for attorney's fees is untimely and it must be **DENIED**. The Court therefore **GRANTS** Defendant Cavalry's motion to strike the Plaintiff's motion for attorney's fees.

IT IS SO ORDERED.

Dated: June 30, 2009

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE